

Customer No. 24498  
 USSN. 09/391,059

RCA 88495

# REMARKS

Reconsideration of this application is respectfully requested. Claims 4, 10 and 11 have been amended. Claims 1-16 and 18-19 are in this application and are presented for the Examiner's consideration in view of the following comments.

## Drawing Objections

The Examiner maintains the objection to Figures 1, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15 because, according to the Examiner, these figures lack the label -- Prior Art -- because only that which is old is illustrated. Applicants' representative respectfully continues to decline to add such a label.

Respectfully, the Examiner's objection is improper. Indeed, Applicants' representative is simply amazed that the Examiner is disregarding a clear statement in Applicants' specification. In particular,

[f]igure 1 shows a video receiver trellis decoder system 24, **according to the invention**, for decoding multiple interleaved datastreams such as data encoded according to the HDTV Standard, for example.

Applicants' specification, p. 4, lns. 26-28, emphasis added.

Applicants' statement cannot be more clear — **Figure 1 illustrates an embodiment of the invention** and, as such, can not be prior art. Likewise, Figures 4, 5, 6, 7, 8, 9, 10, 13, 14 and 15 relate to the operation of the apparatus shown in Figure 1 and are not prior art. Finally, Figure 12 clearly shows trellis decoder 24 of Figure 1 and, as such, is not prior art. In view of the above, the Examiner is wrong to require that Applicants add a "Prior Art" label.

Applicants' representative notes that the Examiner points to U.S. Patent No. 5,914,988 as having figures that look the same. So what. It is **Applicants' description of the figures** in Applicants' application that is important. In this regard, the simple fact is that Applicants' specification **does not describe** Applicants' figures 1, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15 as prior art and nothing the Examiner points to in U.S. Patent No. 5,914,988 changes this fact.

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In view of the above, Applicants request that the objection to the drawings be removed.

#### Claim Objections

The Examiner has objected to claims 4, 10, 11, 13, 14, 15 and 16. Applicants have amended claims 4, 10 and 11, and respectfully disagree with respect to claims 13, 14 and 15.

With respect to claim 4 and the Examiner's request, Applicants have equivalently amended claim 4 to state "each candidate value representative of distance". However, Applicants respectfully decline the Examiner's request to amend claim 4 to state "a prior delayed fed back comparison" since claims 4 and 10 are dependent upon different independent claims and, as such, do not have to be consistent with each other.

With respect to claim 10 and the Examiner's request, Applicants have equivalently amended claim 10 in a fashion similar to claim 4, described above. However, Applicants respectfully decline the Examiner's request to amend claim 10 to state "a prior delayed fed back comparison" and, instead, have amended claim 11 to state "said prior and delayed fed back comparison" for which there is clear antecedent basis in claim 10.

With respect to claims 13 and 14, the latter claim simply requires "computed absolute distances". There is no recitation in claim 14 of either the phrase "the computed absolute differences" or "said absolute differences". As such, there is no antecedent basis problem with respect to claim 13. Further, Applicants submit that these claims are clear on their face and would be understandable to one skilled in the art.

With respect to claim 15, Applicants respectfully do not agree with the Examiner and decline to make the requested amendment.

In view of the above, the objections to claims 4, 10, 11, 13, 14 and 15 have been overcome. As such, the objection to dependent claim 16 has also been removed.

#### 35 U.S.C. § 102(e) Rejection

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The Examiner has rejected claims 1-3, 5-8, 12-13 and 18-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,914,988 issued June 22, 1999 to Hu et al. ("*Hu*"). Applicants respectfully maintain their disagreement as stated in Applicants' Appeal Brief filed on November 24, 2004, and Applicants' previous response filed on June 6, 2005, both of which are incorporated by reference herein.

In addition, Applicants also offer the following observations to the Examiner's latest mischaracterization of *Hu*.

First, the Examiner states:

[t]he reference *Hu* discloses in FIGURE 11 comparing the re-encoded data at current time *n* (symbol *Sn*) at the output of 965 to one input of 960.

Office Action, p. 4; emphasis added.

However, the Examiner should note that the output of 965 is simply the control signal for multiplexer 970. (*Hu*, col. 11, lns. 22-28.) As such, the re-encoded symbol stored in 965 is not provided to 960 (nor is it provided to 950 for that matter). Further, the Examiner should re-read the description in *Hu* related to element 985. (*Hu*, col. 14, lns. 11-28.)

Second, the Examiner states:

and the delayed re-encoded data at time *n-1* (symbol *Sn-1*) at the output of 950.

Office Action, p. 4; emphasis added.

However, the Examiner should note that the output of 950 is not re-encoded data. Neither of the input signals to 950 come from re-encoder 50 of Figure 1 of *Hu*. (See Figure 1 of *Hu*.)

Third, the Examiner states:

to produce difference data representative to post-coder 977 (column 13, lines 57-67) ...

so that *Z2* is determined by the minimum distance/difference (the closest) between the input symbol output from adder 950 (*Sn-1*), the received delay symbol point (*Sn-1*), and the *Z0*, *Z1* of the *Sn*. Hence the output of

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the 960 to the input 977 is difference data representative of a difference (closet [sic], the minimum distance) between successive symbols (n current and n-1 delayed) of the re-encoded data.

Office Action, p. 4; emphasis added.

The Examiner's conclusion is wrong. The fact is that *Hu* explicitly states what is provided to post coder 977, i.e., *Hu* states:

[t]he Z2 value of this constellation point is provided to post coder 977 as the decoded Z2 value for the first interleaved symbol.

*Hu*, col. 13, lns. 64-67; emphasis added.


This is not **difference data representative of a difference between successive symbols of said re-encoded symbol data** as claimed by Applicants.

In view of the above, Applicants respectfully submit that independent claims 1, 5, 13 and 18 are patentable over *Hu*. Consequently, the rejection of dependent claims 2-3, 6-8, 12 and 19 has also been removed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted  
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December 9, 2005